

AMENDED IN ASSEMBLY JUNE 4, 2009

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 490

Introduced by Senator Maldonado

February 26, 2009

An act to amend Section 830.1 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 490, as amended, Maldonado. Peace officer status: ~~San Luis Obispo County~~. *custodial officers*.

Existing law provides that a custodial officer employed by a law enforcement agency in one of specified counties or in a county with a population of 425,000 or less, as specified, is a public officer, not a peace officer. Existing law defines various persons as peace officers, including, among others, custodial officers in certain counties.

This bill would include custodial officers in the County of San Luis Obispo *and the County of Colusa*, as specified, within the definition of peace officer.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.1 of the Penal Code is amended to
- 2 read:
- 3 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
- 4 employed in that capacity, of a county, any chief of police of a
- 5 city or chief, director, or chief executive officer of a consolidated

1 municipal public safety agency that performs police functions, any
2 police officer, employed in that capacity and appointed by the
3 chief of police or chief, director, or chief executive of a public
4 safety agency, of a city, any chief of police, or police officer of a
5 district, including police officers of the San Diego Unified Port
6 District Harbor Police, authorized by statute to maintain a police
7 department, any marshal or deputy marshal of a superior court or
8 county, any port warden or port police officer of the Harbor
9 Department of the City of Los Angeles, or any inspector or
10 investigator employed in that capacity in the office of a district
11 attorney, is a peace officer. The authority of these peace officers
12 extends to any place in the state, as follows:

13 (1) As to any public offense committed or which there is
14 probable cause to believe has been committed within the political
15 subdivision that employs the peace officer or in which the peace
16 officer serves.

17 (2) Where the peace officer has the prior consent of the chief
18 of police or chief, director, or chief executive officer of a
19 consolidated municipal public safety agency, or person authorized
20 by him or her to give consent, if the place is within a city, or of
21 the sheriff, or person authorized by him or her to give consent, if
22 the place is within a county.

23 (3) As to any public offense committed or which there is
24 probable cause to believe has been committed in the peace officer's
25 presence, and with respect to which there is immediate danger to
26 person or property, or of the escape of the perpetrator of the
27 offense.

28 (b) The Attorney General and special agents and investigators
29 of the Department of Justice are peace officers, and those assistant
30 chiefs, deputy chiefs, chiefs, deputy directors, and division directors
31 designated as peace officers by the Attorney General are peace
32 officers. The authority of these peace officers extends to any place
33 in the state where a public offense has been committed or where
34 there is probable cause to believe one has been committed.

35 (c) Any deputy sheriff of the County of Los Angeles, and any
36 deputy sheriff of the Counties of Butte, Calaveras, *Colusa*, Glenn,
37 Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa,
38 Mendocino, Plumas, Riverside, San Benito, San Diego, San Luis
39 Obispo, Santa Barbara, Shasta, Siskiyou, Solano, Sonoma,
40 Stanislaus, Sutter, Tehama, Tulare, and Tuolumne who is employed

1 to perform duties exclusively or initially relating to custodial
2 assignments with responsibilities for maintaining the operations
3 of county custodial facilities, including the custody, care,
4 supervision, security, movement, and transportation of inmates,
5 is a peace officer whose authority extends to any place in the state
6 only while engaged in the performance of the duties of his or her
7 respective employment and for the purpose of carrying out the
8 primary function of employment relating to his or her custodial
9 assignments, or when performing other law enforcement duties
10 directed by his or her employing agency during a local state of
11 emergency.

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